

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

WAYNE BARNEY,

Plaintiff,

-against-

7:04-CV-1122  
(LEK/DRH)

JO ANNE BARNHART, COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on December 12, 2006, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 14).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No.14) is **APPROVED** and  
**ADOPTED** in its **ENTIRETY**; and it is further

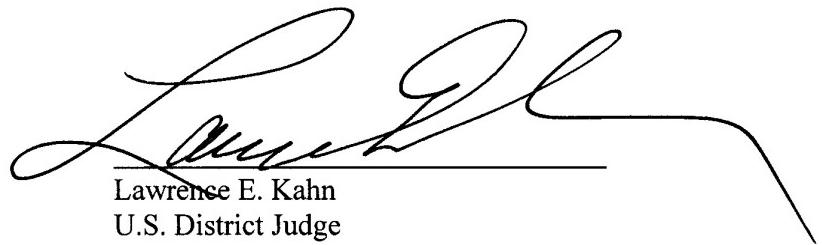
**ORDERED**, that the decision denying disability benefits is **REMANDED** for further

proceedings; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: January 25, 2007  
Albany, New York



A handwritten signature in black ink, appearing to read "Lawrence E. Kahn". Below the signature, the name is typed in a standard font.

Lawrence E. Kahn  
U.S. District Judge